

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Peter J. Mastan, Trustee peter.mastan@dinsmore.com 550 S. Hope St., Suite 1765 Los Angeles, CA 90071 Chapter 7 Trustee of the Bankruptcy Estate of Andrea Jeanette Bontempo <input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: ANDREA JEANETTE BONTEMPO, Debtor(s).	CASE NO.: 2:21-bk-16191-VZ CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 01/25/2022	Time: 11:00 am
Location: Courtroom 1368, 255 E. Temple St., Los Angeles, CA 90012	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** 12/31/2021

Description of property to be sold:
2014 Audi A4

Terms and conditions of sale: "AS IS" and "WHERE IS" basis, subject to all existing encumbrances, liens, claim and restrictions thereon, if any.

Proposed sale price: \$ 7,325.00

Overbid procedure (if any):

Initial bid must be at least \$8,325 (the amount being paid by Debtor (\$4,000) plus Debtor's exemption (\$3,325) plus \$1,000). Subsequent bids must be at least \$500 higher than the initial bid.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Peter J. Mastan, Trustee
550 S. Hope St., Suite 1765
Los Angeles, CA 90071
Telephone: (213) 335-7739
travis.terry@dinsmore.com

Date: 12/14/2021

Chapter 7 Trustee of the Bankruptcy Estate of Andrea Jeanette Bontempo

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

Debtor(s).

Date: January 25, 2022
Time: 11:00 a.m.
Ctrm: Courtroom 1368
255 E. Temple Street
Los Angeles, CA 90012
Judge: Hon. Vincent P. Zurzolo

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1 **TO THE HONORABLE VINCENT P. ZURZOLO, UNITED STATES BANKRUPTCY**
2 **JUDGE, THE DEBTOR, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL**
3 **SCHEDULED CREDITORS OF THE ESTATE, ALL OTHER INTERESTED PARTIES;**
4 **AND THEIR RESPECTIVE COUNSEL OF RECORD, IF ANY:**

5 **NOTICE IS HEREBY GIVEN** that, on January 25, 2022, on the 11:00 a.m. calendar, in
6 Courtroom 1368 of the United States Bankruptcy Court located at 255 E. Temple Street, Los
7 Angeles, California 90012, the Honorable Vincent P. Zurzolo, United States Bankruptcy Judge,
8 will conduct a hearing on the “Motion To Approve Assignment Agreement between the Trustee
9 and the Debtor for the Trustee’s Conveyance of the Estate’s Interest in the 2014 Audi A4” (the
10 “Motion”) filed by Peter J. Mastan, Chapter 7 trustee (the “Trustee”) of the bankruptcy estate (the
11 “Estate”) of Andrea Jeanette Bontempo (the “Debtor”). Through the Motion, the Trustee seeks an
12 order that does each of the following:

13 (1) Approves the Assignment Agreement (the “Agreement”) attached as **Exhibit 1** to
14 the Motion.

15 (2) Authorizes the Trustee to make the assignment of the Estate’s interest in the vehicle
16 described as a 2014 Audi A4 (VIN WAUBFAFL2EN020028) (the “Vehicle”) and determines that
17 the assignment is made on an “AS IS” and “WHERE IS” basis, subject to all existing
18 encumbrances, liens, claims and restrictions thereon, if any.

19 (3) Determines that the Agreement was made in good faith in an arm’s-length
20 transaction and that the assignee of the Estate’s interest in the Vehicle (whether the Debtor, or a
21 successful overbidder) is acting in good faith within the meaning of 11 U.S.C. § 363(m).

22 (4) Determines that adequate notice of the Motion was given.

23 (5) Authorizes the Trustee to perform the terms of the Agreement and to sign all such
24 documents that are reasonably necessary to perform the Trustee’s obligations under the
25 Agreement.

26 (6) Reserves Bankruptcy Court jurisdiction to enforce the Agreement.

27 (7) Approves the following overbid procedure:

28 ///

1 **(a)** any initial overbid for an assignment of the Estate's interest in the Vehicle
2 must be in an amount at least \$1,000 greater than the amount to be paid by the Debtor under the
3 Agreement (i.e., in an amount not less than \$5,000.00 plus the amount of the Debtor's claimed
4 exemption of \$3,325 in the Vehicle for a total of \$8,325);

5 **(b)** in the event that the Trustee receives multiple overbids, any subsequent
6 overbids must be made in Court at the time of the hearing on the Motion and must be made in
7 minimum increments of \$500;

8 **(c)** any overbid must be accompanied by a certified or cashier's check in the
9 full amount of that bid and the successful overbidder must pay to the Trustee by certified or
10 cashier's check the full purchase price at the time of the hearing on the Motion;

11 **(d)** any sale at overbid will be all cash "AS IS," "WHERE IS," subject to all
12 claims, liens, encumbrances, and other interests, with all faults and without any representation or
13 warranty whatsoever, whether express or implied, including without limitation, without warranty
14 as to functionality, merchantability, or fitness for a particular purpose and;

15 **(e)** the Trustee may exercise his discretion to reject a particular overbid that is
16 not both higher and better (based upon all of the circumstances) than the Debtor's offer or the
17 offer of other overbidders.

18 **(f)** any person making an overbid for the Vehicle shall be deemed to have
19 made, on his/her/their own account, each of the representations made by the Debtor to the Trustee
20 as set forth in Paragraph 5 of the Agreement.

21 **(8)** Authorizes the Trustee to close the proposed assignment of the Estate's interest in
22 the Vehicle to the Debtor (or the successful overbidder) unless an appeal of the order authorizing
23 that sale is timely filed and a stay pending appeal is entered.

24 **(9)** Waives the 14-day stay of orders for the disposition of Estate property set forth in
25 Fed.R.Bankr.P. 6004(h).

26 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.
27 §§ 363(b) and 363(m), Federal Rules of Bankruptcy Procedure 2002 and 6004, and
28 Local Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed assignment is in the

1 best interest of the Estate in that it will maximize the value to unsecured creditors of the Estate's
2 interest in the Vehicle.

3 **NOTICE IS FURTHER GIVEN** that the Motion is based on (a) this Notice of Hearing;
4 (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points and Authorities,
5 Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file with the Court of which the
6 Court is requested to take judicial notice; and (d) such further evidence that may be properly
7 submitted prior to or at any hearing on the Motion. At your own expense, you may obtain a
8 complete copy of the Motion from the Court's file. Alternatively, you may obtain a free,
9 electronic copy of the Motion by contacting Mr. Travis Terry at travis.terry@dinsmore.com and
10 providing to Mr. Terry your email address.

11 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule 9013-1(f), any
12 opposition to the Motion must be in writing; must be filed with the Court and served upon the
13 Trustee, the Office of the United States Trustee, and the Debtor at the addresses set forth below
14 not later than 14 days before the hearing on the Motion; and must include a complete written
15 statement of all reasons in opposition thereto or in support or joinder thereof, declarations and
16 copies of all photographs and documentary evidence on which the responding party intends to
17 rely, and any responding memorandum of points and authorities:

18 **For Filing With the Court**

19 Clerk's Office
20 United States Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, California 90012

21 **For Service on Judge Zurzolo**

22 Hon. Vincent P. Zurzolo
23 United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
Building and Courthouse
24 255 E. Temple Street, Suite 1360
25 Los Angeles, CA 90012

26 **For Service on the Trustee**

27 Peter J. Mastan, Trustee
550 South Hope Street, Suite 1765
Los Angeles, California 90071-2627
28

For Service on Office of U.S. Trustee

Office of the U.S. Trustee
915 Wilshire Blvd., Suite 1850
Los Angeles, CA 90017

For Service on the Debtor

Jonathan N. Vaknin, Esq.
Law Office of Jonathan Vaknin
1800 Taraval Street #16430
San Francisco, CA 94116

and

Andrea Jeanette Bontempo
1633 Hacienda Pl.
Pomona, CA 91768

NOTICE IS FURTHER GIVEN that, pursuant to Local Bankruptcy Rule 9013-1(h),
failure to timely file and serve an objection may be deemed by the Court to be consent to granting
the Motion.

DATED: December 14, 2021

Respectfully submitted,

CHAPTER 7 TRUSTEE

By: /s/ Peter J. Mastan

Peter J. Mastan

Chapter 7 Trustee of the Bankruptcy
Estate of Andrea Jeanette Bontempo

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 550 S. Hope Street, Suite 1765, Los Angeles, CA 90071

A true and correct copy of the foregoing document described as: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d), and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(S) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **December 14, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addresses indicated below:

- **Peter J Mastan (TR)** pmastan@iq7technology.com; travis.terry@dinsmore.com; ecf.alert+Mastan@titlexi.com
- **United States Trustee (LA)** ustpregion16.la.ecf@usdoj.gov
- **Jonathan N Vaknin** jonathan@vakninlaw.com, notice@vakninlaw.com; vakninjr92484@notify.bestcase.com

____ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **December 14, 2021** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR(S)

Andrea Jeanette Bontempo
1633 Hacienda Pl.
Pomona, CA 91768

UNITED STATES BANKRUPTCY COURT

Hon. Vincent P. Zurzolo
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
Building and Courthouse
255 E. Temple Street, Suite 1360
Los Angeles, CA 90012

____ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **December 14, 2021** I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

____ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

December 14, 2021 **TRAVIS MICHAEL TERRY**
Date Type name

/s/ Travis Michael Terry
Signature